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JUL 02 2010

OFFICE OF PETITIONS

In re Application of :
Phyllis Leithem, et al. :
Application No. 09/334,125 : DECISION GRANTING PETITION
Filed: June 15, 1999 : UNDER 37 CFR 1.313(b)(1)
Attorney Docket No. 0077079-0057 :

This is a decision on the petition under 37 CFR 1.313(b)(1), filed June 28, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

37 CFR 1.313(b):

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) A mistake on the part of the Office;
(2) A violation of § 1.56 or illegality in the application;
(3) Unpatentability of one or more claims; or
(4) For interference.

The petition complies with the requirements of 37 CFR 1.313(b). Accordingly, the above-identified application is withdrawn from issue.

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272 1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

The application is being referred to Technology Center AU 3761 for consideration of the request for interference filed June 28, 2010.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions